

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

1258

**CA 20-00044**

PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, WINSLOW, AND DEJOSEPH, JJ.

---

6115 NIAGARA FALLS BOULEVARD, LLC,  
PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

CALAMAR CONSTRUCTION MANAGEMENT, INC.,  
DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

---

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO (ELIZABETH A. KRAENGEL  
OF COUNSEL), FOR PLAINTIFF-APPELLANT.

SARAH K. HYMAN, WHEATFIELD, FOR DEFENDANT-RESPONDENT.

---

Appeal from an order of the Supreme Court, Niagara County  
(Timothy J. Walker, A.J.), entered January 3, 2020. The order,  
insofar as appealed from, denied that part of plaintiff's motion  
seeking attorneys' fees, costs and disbursements.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Same memorandum as in *6115 Niagara Falls Blvd., LLC v Calamar  
Constr. Mgt., Inc.* ([appeal No. 1] – AD3d – [Apr. 30, 2021] [4th Dept  
2021]).

Entered: April 30, 2021

Mark W. Bennett  
Clerk of the Court